

Conference Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 246

HOUSE BILL 2091

AN ACT

AMENDING SECTIONS 8-105, 8-509, 36-594.02, 41-619.51, 41-619.54, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 14, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1968; AMENDING SECTION 46-141, ARIZONA REVISED STATUTES; RELATING TO FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-105, Arizona Revised Statutes, is amended to
3 read:

4 8-105. Preadoption certification; investigation; central
5 adoption registry

6 A. Before any prospective adoptive parent may petition to adopt a
7 child the person shall be certified by the court as acceptable to adopt
8 children. A certificate shall be issued only after an investigation
9 conducted by an officer of the court, by an agency or by the division. A
10 written application for certification shall be made directly to the court, to
11 an agency or to the division, in the form and content required by the court,
12 agency or division.

13 B. The division is not required to accept every application for
14 certification. In determining which applications to accept the division may
15 give priority to applications filed by adult residents of this state who wish
16 to adopt a child who has any of the special needs described in section 8-141.

17 C. After receiving and accepting the written and completed application
18 of the prospective adoptive parent or parents, which shall include a
19 financial statement and a physician's statement of each applicant's physical
20 health, the division, the agency or an officer of the court shall conduct or
21 cause to be conducted an investigation of the prospective adoptive parent or
22 parents to determine if they are fit and proper persons to adopt children.

23 ~~D. Each person for whom a criminal background check is required for~~
24 ~~the purpose of adopting a child shall be fingerprinted by the division, the~~
25 ~~agency, an officer of the court or a designee of the division, the agency or~~
26 ~~officer of the court for the purpose of obtaining a state and federal~~
27 ~~criminal records check pursuant to section 41-1750 and Public Law~~
28 ~~92-544. The department of public safety may exchange this fingerprint data~~
29 ~~with the federal bureau of investigation.~~

30 D. THE DIVISION SHALL NOT PRESENT FOR CERTIFICATION A PROSPECTIVE
31 ADOPTIVE PARENT UNLESS THAT PERSON HAS A VALID FINGERPRINT CLEARANCE CARD
32 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 OR PROVIDES TO THE
33 DIVISION DOCUMENTATION OF THE PERSON'S APPLICATION FOR A FINGERPRINT
34 CLEARANCE CARD. THE PROSPECTIVE ADOPTIVE PARENT MUST CERTIFY ON FORMS THAT
35 ARE PROVIDED BY THE DIVISION AND THAT ARE NOTARIZED WHETHER THE PROSPECTIVE
36 ADOPTIVE PARENT IS AWAITING TRIAL ON OR HAS EVER BEEN CONVICTED OF ANY OF THE
37 CRIMINAL OFFENSES LISTED IN SECTION 41-1758.03, SUBSECTIONS B AND C IN THIS
38 STATE OR SIMILAR OFFENSES IN ANOTHER STATE OR JURISDICTION.

39 E. AN OFFICER OF THE COURT MAY OBTAIN A STATE AND FEDERAL CRIMINAL
40 RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE
41 DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE
42 FEDERAL BUREAU OF INVESTIGATION.

43 ~~E.~~ F. This investigation and report to the court shall consider all
44 relevant and material facts dealing with the prospective adoptive parents'
45 fitness to adopt children and shall include:

1 1. A complete social history.
2 2. The financial condition of the applicant.
3 3. The moral fitness of the applicant.
4 4. The religious background of the applicant.
5 5. The physical and mental health condition of the applicants.
6 6. Any court action for or adjudication of child abuse, abandonment of
7 children, dependency or termination of parent-child relationship in which the
8 applicant had control, care or custody of the child who was the subject of
9 the action.

10 7. Whether the person or persons wish to be placed on the central
11 registry established in subsection ~~L~~ M of this section.

12 8. All other facts bearing on the issue of the fitness of the
13 prospective adoptive parents that the court, agency or division may deem
14 relevant.

15 ~~F~~ G. The investigator shall not reveal to the prospective adoptive
16 parents the identity of a child or the child's parent or parents and shall
17 not reveal to the child or the child's parent or parents the identity of the
18 prospective adoptive parents if these facts are not already known.

19 ~~G~~ H. Within ninety days after the original application prescribed by
20 subsection A of this section has been accepted, the division or the agency or
21 a person or agency designated by the court to conduct an investigation shall
22 present to the juvenile court the written report required by subsection ~~E~~ F
23 of this section, which shall include a definite recommendation for certifying
24 the applicant as being acceptable or nonacceptable to adopt children with the
25 reasons for the recommendation.

26 ~~H~~ I. Within sixty days after receiving the investigation report
27 required by subsections ~~E~~ F and ~~G~~ H of this section, the court shall
28 certify the applicant as being acceptable or nonacceptable to adopt children
29 based on the investigation report and recommendations of the report. A
30 certification remains in effect for eighteen months from the date of its
31 issuance and may be extended for additional one year periods if after review
32 the court finds that there have been no material changes in circumstances
33 which would adversely affect the acceptability of the applicant to adopt.

34 ~~I~~ J. The court may require additional investigation if it finds that
35 additional information is necessary on which to make an appropriate decision
36 regarding certification.

37 ~~J~~ K. Any applicant who has been certified as nonacceptable may
38 petition the court to review such certification. Notice shall be given to
39 all interested parties and the matter shall be heard by the court, which may
40 affirm or reverse the certification.

41 ~~K~~ L. If the applicant is certified as nonacceptable, the applicant
42 may not reapply for certification to the court, to any agency or to the
43 division for one year.

44 ~~L~~ M. The division shall maintain a central adoption registry that
45 includes the names of all prospective adoptive parents currently certified by

1 the court as acceptable to adopt children, except those who request that
2 their names not be included, the names of all children who are under the
3 jurisdiction of the division and who are currently available for adoption,
4 the names of any other children who are currently available for adoption and
5 whose names are voluntarily entered in the registry by any agency, parent or
6 other person that has the right to give consent to the child's adoption, and
7 other information as the division may elect to include in aid of adoptive
8 placements. Access to information in the registry shall be made available on
9 request to any agency under assurances as the division may require that the
10 information sought is in furtherance of adoptive placements and that
11 confidentiality of the information is preserved.

12 ~~M.~~ N. This section does not apply if:

13 1. The prospective adoptive parent is the spouse of the birth or legal
14 parent of the child to be adopted or is an uncle, aunt, adult sibling,
15 grandparent or great-grandparent of the child of the whole or half-blood or
16 by marriage or adoption.

17 2. The birth or legal parent is deceased but at the time of death the
18 parent had legal and physical custody of the child to be adopted and the
19 child had resided primarily with the spouse of the birth or legal parent
20 during the twenty-four months before the death of the parent.

21 3. The grandparent, great-grandparent, aunt, adult sibling or uncle is
22 deceased but at the time of death that person had legal and physical custody
23 of the child to be adopted and the child had resided primarily with the
24 spouse of the grandparent, great-grandparent, aunt, adult sibling or uncle
25 during the twenty-four months before the death of the grandparent,
26 great-grandparent, aunt, adult sibling or uncle.

27 ~~M.~~ O. If the applicant has adopted a child within three years
28 preceding the current application and is applying to adopt another child or
29 is a foster parent who is licensed by this state, the division or agency or a
30 person designated by the court to conduct an investigation shall only provide
31 an update report on any changes in circumstances that have occurred since the
32 previous certification or licensing report. If the applicant has adopted a
33 child more than three years before the current application and is applying to
34 adopt another child, the division or agency or a person designated by the
35 court to conduct an investigation may provide an updated report on any
36 changes in circumstances that have occurred since the previous certification
37 or licensing report. The court shall certify the applicant as acceptable to
38 adopt unless there are changes in circumstances that adversely affect the
39 applicant's parenting ability. In making this determination, the court shall
40 consider information from the prior certification or licensing report.

41 Sec. 2. Section 8-509, Arizona Revised Statutes, is amended to read:

42 8-509. Licensing of foster homes; renewal of license;
43 provisional license

44 A. The division shall license and certify foster homes. Licenses are
45 valid for a period of one year.

1 B. The division shall not issue a license without satisfactory proof
2 that the foster parent or parents have completed six actual hours of approved
3 initial foster parent training as set forth in section 8-503 AND THAT EACH
4 FOSTER PARENT AND EACH OTHER ADULT MEMBER OF THE HOUSEHOLD HAS A VALID
5 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE
6 3.1 OR PROVIDES TO THE DIVISION DOCUMENTATION OF THE PERSON'S APPLICATION FOR
7 A FINGERPRINT CLEARANCE CARD. THE FOSTER PARENT AND EACH OTHER ADULT MEMBER
8 OF THE HOUSEHOLD MUST CERTIFY ON FORMS THAT ARE PROVIDED BY THE DIVISION AND
9 THAT ARE NOTARIZED WHETHER THE FOSTER PARENT OR OTHER ADULT MEMBER OF THE
10 HOUSEHOLD IS AWAITING TRIAL ON OR HAS EVER BEEN CONVICTED OF ANY OF THE
11 CRIMINAL OFFENSES LISTED IN SECTION 41-1758.03, SUBSECTIONS B AND C IN THIS
12 STATE OR SIMILAR OFFENSES IN ANOTHER STATE OR JURISDICTION.

13 C. The division shall not renew a license without satisfactory proof
14 that the foster parent or parents have completed six actual hours of approved
15 ongoing foster parent training as set forth in section 8-503.

16 D. Notwithstanding the requirements of subsections B and C of this
17 section, if the division determines a condition of hardship to the foster
18 parent or parents, the division may issue a provisional license for a period
19 not to exceed six months. A provisional license may not be renewed.

20 E. Child welfare agencies that submit foster homes for licensing shall
21 conduct an investigation of the foster home pursuant to licensing rules of
22 the division. The division shall conduct investigations of all other foster
23 homes. If the foster home meets all requirements set by the division, the
24 agency shall submit an application stating the foster home's qualifications
25 to the division. The agency may also recommend the types of licensing and
26 certification to be granted to the foster home.

27 F. The division shall accept an adoptive home certification study as a
28 licensing home study if the study has been updated within the past three
29 months to include the information necessary to determine whether the home
30 meets foster care licensing standards.

31 G. ~~The provisions of~~ This section shall not apply when the child is
32 placed in a home by a means other than by court order and when the home
33 receives no compensation from the state or any political subdivision of the
34 state.

35 H. The division shall not prohibit a person operating a licensed
36 foster home from applying for or receiving compensation as a foster home
37 parent due to employment with the state of Arizona.

38 Sec. 3. Section 36-594.02, Arizona Revised Statutes, is amended to
39 read:

40 36-594.02. Fingerprinting of adult developmental home licensees
41 and child developmental foster home licensees

42 If a person who applies for a license for an adult developmental foster
43 home or a child developmental foster home has not been previously
44 fingerprinted for any other license, certificate or program with the division
45 of developmental disabilities, ~~the division shall require that person to be~~

1 ~~fingerprinted for the purpose of obtaining a state and federal criminal~~
2 ~~records check pursuant to section 41-1750 and Public Law 92-544. The~~
3 ~~department of public safety may exchange this fingerprint data with the~~
4 ~~federal bureau of investigation~~ THE PERSON WHO APPLIES FOR SUCH A LICENSE
5 SHALL HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,
6 CHAPTER 12, ARTICLE 3.1 OR PROVIDE TO THE DIVISION DOCUMENTATION OF THE
7 PERSON'S APPLICATION FOR A FINGERPRINT CLEARANCE CARD. SUCH A PERSON SHALL
8 CERTIFY ON FORMS THAT ARE PROVIDED BY THE DEPARTMENT WHETHER THE PERSON IS
9 AWAITING TRIAL ON OR HAS BEEN CONVICTED OF ANY OF THE OFFENSES LISTED IN
10 SECTION 41-1758.03, SUBSECTIONS B AND C IN THIS STATE OR SIMILAR OFFENSES IN
11 ANOTHER STATE OR JURISDICTION.

12 Sec. 4. Section 41-619.51, Arizona Revised Statutes, is amended to
13 read:

14 41-619.51. Definitions

15 In this article, unless the context otherwise requires:

16 1. "Agency" means the supreme court, the department of economic
17 security, the department of education, the department of health services or
18 the department of juvenile corrections.

19 2. "Board" means the board of fingerprinting.

20 3. "Expedited review" means an examination, in accordance with board
21 rule, of the documents an applicant submits by the board or its hearing
22 officer without the applicant being present.

23 4. "Facility" or "program" means state facilities or programs that
24 provide direct services to adults with developmental disabilities or to
25 juveniles.

26 5. "Good cause exception" means the issuance of a fingerprint
27 clearance card to an employee pursuant to section 41-619.55.

28 6. "Person" means a person who is required to be fingerprinted
29 pursuant to any of the following:

30 (a) SECTION 8-105.

31 ~~(a)~~ (b) Section 8-322.

32 (c) SECTION 8-509.

33 ~~(b)~~ (d) Section 8-802.

34 ~~(c)~~ (e) Section 15-183.

35 ~~(d)~~ ~~Section 15-512.~~

36 ~~(e)~~ (f) Section 15-534.

37 ~~(f)~~ (g) Section 15-1330.

38 (h) SECTION 36-411.

39 ~~(g)~~ (i) Section 36-425.03.

40 ~~(h)~~ (j) Section 36-594.01.

41 (k) SECTION 36-594.02.

42 ~~(i)~~ (l) Section 36-882.

43 ~~(j)~~ (m) Section 36-883.02.

44 ~~(k)~~ (n) Section 36-897.01.

45 ~~(l)~~ (o) Section 36-897.03.

1 ~~(m)~~ (p) Section 36-3008.

2 ~~(n)~~ (q) Section 41-1964.

3 ~~(o)~~ (r) Section 41-1967.01.

4 (s) SECTION 41-1968.

5 ~~(p)~~ (t) Section 41-2814.

6 ~~(q)~~ (u) Section 46-141, subsection A.

7 ~~(r)~~ (v) Section 46-321.

8 Sec. 5. Section 41-619.54, Arizona Revised Statutes, is amended to
9 read:

10 41-619.54. Confidentiality of criminal record information;
11 exception; reporting

12 A. All criminal history record information that is maintained by the
13 board is confidential, except that criminal history record information may be
14 disclosed pursuant to a determination for a good cause exception pursuant to
15 section 41-619.55.

16 B. Persons who are present at a good cause exception hearing shall not
17 discuss or share any criminal history record information outside of the good
18 cause exception hearing.

19 C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, criminal
20 history record information and good cause exception determinations and
21 hearings are exempt from title 39, chapter 1.

22 D. ON OR BEFORE DECEMBER 1 OF EACH YEAR THE BOARD SHALL REPORT THE
23 NUMBER OF APPLICATIONS FOR A GOOD CAUSE EXCEPTION AND THE NUMBER OF GOOD
24 CAUSE EXCEPTIONS THAT WERE GRANTED FOR THE TWELVE MONTH PERIOD ENDING
25 SEPTEMBER 30. THE REPORT SHALL ITEMIZE THE NUMBER OF APPLICATIONS AND THE
26 NUMBER OF APPLICATIONS GRANTED FOR EACH OF THE SECTIONS LISTED IN SECTION
27 41-619.51, PARAGRAPH 6. FOR EACH OF THESE SECTIONS, THE REPORT SHALL FURTHER
28 ITEMIZE EACH OFFENSE LISTED IN SECTION 41-1758.03, SUBSECTIONS B AND C FOR
29 WHICH A GOOD CAUSE EXCEPTION WAS APPLIED FOR AND FOR WHICH A GOOD CAUSE
30 EXCEPTION WAS GRANTED. THE BOARD SHALL PROVIDE A COPY OF THE REPORT TO THE
31 GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF
32 THE SENATE.

33 Sec. 6. Section 41-1758, Arizona Revised Statutes, is amended to read:
34 41-1758. Definitions

35 In this article, unless the context otherwise requires:

36 1. "Agency" means the supreme court, the department of economic
37 security, the department of education, the department of health services or
38 the department of juvenile corrections.

39 2. "Division" means the fingerprinting division in the department of
40 public safety.

41 3. "Facility or program" means state facilities or programs that
42 provide direct services to adults with developmental disabilities or to
43 juveniles.

44 4. "Good cause exception" means the issuance of a fingerprint
45 clearance card to an employee pursuant to section 41-619.55.

1 5. "Person" means a person who is required to be fingerprinted
2 pursuant to any of the following:

- 3 (a) SECTION 8-105.
4 ~~(a)~~ (b) Section 8-322.
5 (c) SECTION 8-509.
6 ~~(b)~~ (d) Section 8-802.
7 ~~(c)~~ (e) Section 15-183.
8 ~~(d)~~ ~~Section 15-512.~~
9 ~~(e)~~ (f) Section 15-534.
10 ~~(f)~~ (g) Section 15-1330.
11 (h) SECTION 36-411.
12 ~~(g)~~ (i) Section 36-425.03.
13 ~~(h)~~ (j) Section 36-594.01.
14 (k) SECTION 36-594.02.
15 ~~(i)~~ (l) Section 36-882.
16 ~~(j)~~ (m) Section 36-883.02.
17 ~~(k)~~ (n) Section 36-897.01.
18 ~~(l)~~ (o) Section 36-897.03.
19 ~~(m)~~ (p) Section 36-3008.
20 ~~(n)~~ (q) Section 41-1964.
21 ~~(o)~~ (r) Section 41-1967.01.
22 (s) SECTION 41-1968.
23 ~~(p)~~ (t) Section 41-2814.
24 ~~(q)~~ (u) Section 46-141, subsection A.
25 ~~(r)~~ (v) Section 46-321.

26 6. "Vulnerable adult" has the same meaning prescribed in section
27 13-3623.

28 Sec. 7. Section 41-1758.01, Arizona Revised Statutes, is amended to
29 read:

30 41-1758.01. Fingerprinting division; duties

31 The fingerprinting division is established in the department of public
32 safety and shall:

33 1. Conduct fingerprint background checks for persons and applicants
34 who are seeking employment with licensees, contract providers and state
35 agencies that require fingerprint background checks pursuant to sections
36 8-105, 8-322, 8-509, 8-802, 15-183, 15-534, 15-1330, 36-411, 36-425.03,
37 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008,
38 41-1964, 41-1967.01, 41-1968 and 41-2814, section 46-141, subsection A and
39 section 46-321.

40 2. Issue fingerprint clearance cards. On issuance, a fingerprint
41 clearance card becomes the personal property of the cardholder and the
42 cardholder shall retain possession of the fingerprint clearance card.

43 3. On submission of an application for a fingerprint clearance card,
44 collect the fees established by the board of fingerprinting pursuant to

1 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
2 monies collected in the board of fingerprinting fund.

3 4. Inform in writing each person who submits fingerprints for a
4 fingerprint background check of the person's right to petition the board of
5 fingerprinting for a good cause exception pursuant to section 41-1758.03.

6 5. Administer and enforce this article.

7 Sec. 8. Title 41, chapter 14, article 1, Arizona Revised Statutes, is
8 amended by adding section 41-1968, to read:

9 41-1968. DES employees; fingerprint requirement; definition

10 EACH EMPLOYEE OF THE DEPARTMENT WHO HAS CONTACT WITH CHILDREN OR
11 VULNERABLE ADULTS SHALL HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED
12 PURSUANT TO CHAPTER 12, ARTICLE 3.1 OF THIS TITLE OR PROVIDE TO THE
13 DEPARTMENT DOCUMENTATION OF THE PERSON'S APPLICATION FOR A FINGERPRINT
14 CLEARANCE CARD. THE EMPLOYEE SHALL CERTIFY ON FORMS THAT ARE PROVIDED BY THE
15 DEPARTMENT AND THAT ARE NOTARIZED WHETHER THE EMPLOYEE IS AWAITING TRIAL ON
16 OR HAS EVER BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES LISTED IN SECTION
17 41-1758.03, SUBSECTIONS B AND C IN THIS STATE OR SIMILAR OFFENSES IN ANOTHER
18 STATE OR JURISDICTION. FOR THE PURPOSES OF THIS SECTION, "VULNERABLE ADULT"
19 HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3623.

20 Sec. 9. Section 46-141, Arizona Revised Statutes, is amended to read:

21 46-141. Criminal record information checks; fingerprinting
22 employees and applicants

23 A. Each license granted by the department of economic security and
24 each contract entered into between the department of economic security and
25 any contract provider for the provision of services to juveniles shall
26 provide that, as a condition of employment, personnel who are employed by the
27 licensee or contractor, whether paid or not, and who are required or allowed
28 to provide services directly to juveniles shall have a valid fingerprint
29 clearance card issued pursuant to title 41, chapter 12, article 3.1 or shall
30 apply for a fingerprint clearance card within seven working days of
31 employment.

32 B. The licensee or contractor shall assume the costs of fingerprint
33 checks and may charge these costs to its fingerprinted personnel. The
34 department may allow all or part of the costs of fingerprint checks to be
35 included as an allowable cost in a contract.

36 C. A service contract or license with any contract provider or
37 licensee that involves the employment of persons who have contact with
38 juveniles shall provide that the contract or license may be canceled or
39 terminated immediately if a person certifies pursuant to subsections F and G
40 of this section that the person is awaiting trial on or has been convicted of
41 any of the offenses listed in subsections F and G of this section in this
42 state or similar offenses in another state or jurisdiction or if the person
43 does not possess or is denied issuance of a valid fingerprint clearance card.

44 D. A contract provider or licensee may avoid cancellation or
45 termination of the contract or license under subsection C of this section if

1 a person who does not possess or has been denied issuance of a valid
2 fingerprint clearance card or who certifies pursuant to subsections F and G
3 of this section that the person has been convicted of or is awaiting trial on
4 any of the offenses listed in section 41-1758.03, subsection B is immediately
5 prohibited from employment or service with the contract provider or licensee
6 in any capacity requiring or allowing contact with juveniles.

7 E. A contract provider or licensee may avoid cancellation or
8 termination of the contract or license under subsection C of this section if
9 a person who does not possess or has been denied issuance of a valid
10 fingerprint clearance card or who certifies pursuant to subsections F and G
11 of this section that the person has been convicted of or is awaiting trial on
12 any of the offenses listed in section 41-1758.03, subsection C is immediately
13 prohibited from employment or service with the contract provider or licensee
14 in any capacity requiring contact with juveniles unless the person is granted
15 a good cause exception pursuant to section 41-619.55.

16 F. Personnel who are employed by any contract provider or licensee,
17 whether paid or not, and who are required or allowed to provide services
18 directly to juveniles shall certify on forms provided by the department of
19 economic security and notarized whether they are awaiting trial on or have
20 ever been convicted of any of the criminal offenses listed in section
21 41-1758.03, subsections B and C in this state or similar offenses in another
22 state or jurisdiction.

23 G. Personnel who are employed by any contract provider or licensee,
24 whether paid or not, and who are required or allowed to provide services
25 directly to juveniles shall certify on forms provided by the department of
26 economic security and notarized whether they have ever committed any act of
27 sexual abuse of a child, including sexual exploitation and commercial sexual
28 exploitation, or any act of child abuse.

29 H. Federally recognized Indian tribes or military bases may submit and
30 the department of economic security shall accept certifications that state
31 that personnel who are employed or who will be employed during the contract
32 term have not been convicted of, have not admitted committing or are not
33 awaiting trial on any offense under subsection F of this section.

34 I. A person who applies to the department of economic security for a
35 license or certificate or for paid or unpaid employment, including contract
36 services, and who will provide direct services to juveniles or vulnerable
37 adults shall submit a full set of fingerprints to the department for the
38 purpose of obtaining a state and federal criminal records check pursuant to
39 section 41-1750 and Public Law 92-544. The department of public safety may
40 exchange this fingerprint data with the federal bureau of investigation.
41 THIS SUBSECTION DOES NOT APPLY TO THOSE PERSONS WHO ARE SUBJECT TO SECTION
42 8-105, 8-509, 8-802 OR 41-1968.

43 J. The special services unit of the department of economic security
44 may use the department of public safety automated system to update all
45 criminal history record information in order to ensure, to the maximum extent

1 reasonably possible, complete disposition information. The department of
2 economic security may deny employment or issuance or renewal of the contract
3 or license applied for in these cases if it determines that the criminal
4 history record information indicates that such employee, applicant or
5 contractor is not qualified or suitable.

6 K. Volunteers who provide services to juveniles under the direct
7 visual supervision of the contractor's or licensee's employees are exempt
8 from the fingerprinting requirements of this section.

9 L. The department of economic security shall notify the department of
10 public safety if the department of economic security receives credible
11 evidence that a person who possesses a valid fingerprint clearance card
12 pursuant to subsection A of this section either:

13 1. Is arrested for or charged with an offense listed in section
14 41-1758.03, subsection B.

15 2. Falsified information on the form required by subsection F of this
16 section.

17 ~~M. Subsection I of this section does not apply to persons who submit~~
18 ~~fingerprints pursuant to section 8-802.~~

19 Sec. 10. Current department of economic security employees,
20 adoptive parents, foster parents and adult
21 developmental home or child developmental foster
22 home licensees; valid fingerprint clearance card

23 A. Notwithstanding section 41-1968, Arizona Revised Statutes, as added
24 by this act, employees of the department of economic security on the
25 effective date of this act who are subject to the requirements of section
26 41-1968, Arizona Revised Statutes, as added by this act, have until July 1,
27 2006 to obtain a valid fingerprint clearance card or a good cause exception.

28 B. A person who has a valid certificate issued pursuant to section
29 8-105, Arizona Revised Statutes, on the effective date of this act, is not
30 required to comply with section 8-105, Arizona Revised Statutes, as amended
31 by this act, until the person renews such a certificate.

32 C. A foster parent and each other adult member of the household who
33 has a valid foster home license issued pursuant to section 8-509, Arizona
34 Revised Statutes, on the effective date of this act, is not required to
35 comply with section 8-509, Arizona Revised Statutes, as amended by this act,
36 until the person renews such a license.

37 D. A person who has a license issued pursuant to section 36-594.02,
38 Arizona Revised Statutes, on the effective date of this act, is not required
39 to comply with section 36-594.02, Arizona Revised Statutes, as amended by
40 this act, until the person renews such a license.

41 Sec. 11. Retroactivity

42 Section 41-1758.01, Arizona Revised Statutes, as amended by this act,
43 applies retroactively to from and after March 31, 2005.

APPROVED BY THE GOVERNOR MAY 4, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2005.

Passed the House February 28, 2005,

Passed the Senate April 4, 2005,

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Ferman L. Moore
Chief Clerk of the House

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

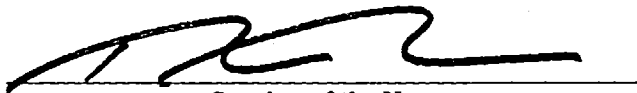
Secretary of State

H.B. 2091

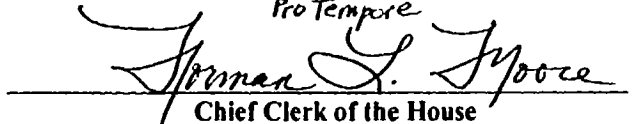
HOUSE FINAL PASSAGE,
as per Joint Conference

Passed the House April 20, 2005,
by the following vote: 59 Ayes,

0 Nays, 1 Not Voting



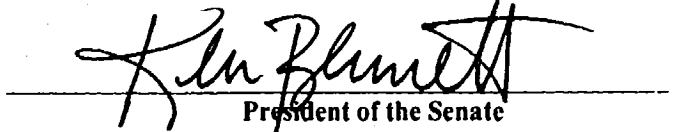
Speaker of the House
Pro Tempore


Chief Clerk of the House

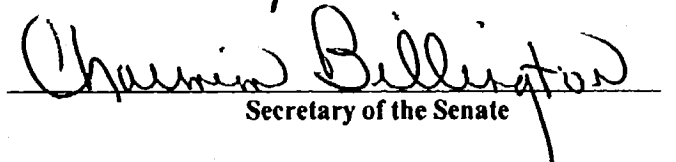
SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate April 28, 2005,
by the following vote: 29 Ayes,

0 Nays, 1 Not Voting



President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 28th day of April, 2005

at 3:00 o'clock P. M.


Secretary to the Governor

Approved this 4 day of

May, 2005,

at 2:50 o'clock P. M.


Governor of Arizona

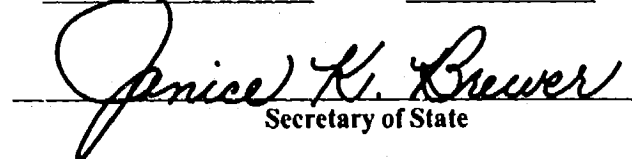
H.B. 2091

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of May, 2005

at 4:19 o'clock P. M.


Secretary of State